



Organization for Security and Co-operation in Europe

Special Representative and Co-ordinator for Combating Trafficking in Human Beings

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in Human Beings**

at the

13th *Alliance against Trafficking in Persons* Conference

“Stolen Lives, Stolen Money: The Price of Modern-Day Slavery”

Vienna, 25-26 June 2013

Dear Chair, Dear Secretary General,

Dear Ambassadors,

Dear Colleagues,

20 years ago to the day, on 25 June 1993, here in Vienna, representatives of 171 States adopted the Vienna Declaration and Programme of Action at the World Conference on Human Rights, reconfirming that all human rights are universal, indivisible and interdependent and interrelated and that the international community must treat human rights globally in a fair and equal manner.¹ The fight against human trafficking can only be effective if all human rights – civil, political, social, economic and cultural – are respected. I am very happy to welcome you here today to discuss how we, in the OSCE, can take a leap into a comprehensive human rights approach in the fight against human trafficking, from a national, regional and global perspective.

The *Alliance against Trafficking in Persons* conference has always tried to pave the way towards a better understanding of new features of trafficking in human beings and aimed at promoting innovative approaches in the fight against human trafficking. In 2011, we explored the nexus between an effective fight against trafficking for labour exploitation, decent work and social justice. At last year's *Alliance* conference, we analyzed links between discrimination and human trafficking and explored ways how to empower victims of trafficking and those vulnerable to exploitation. In both cases our effort was to place human trafficking in the broader context that surrounds and affects it and, to some extent, also facilitates and nourishes it, and to analyze the many cross-cutting issues between areas that, at first sight, might appear distant and even irrelevant, but in fact are interrelated.

Today's and tomorrow's conference continues this pattern by exploring the nexus between human trafficking and inequalities, including gender inequalities. In particular, we will focus on inequalities linked with migration and the labour market.

Inequalities, migration and human trafficking

The link between inequalities and migration is manifold. Inequalities are push factors for migration. This can be extreme poverty or the lack of opportunities for a work and life project

¹ A/CONF.157/23, 12 July 1993.

for the individual and the family. Very often inequalities are unfortunately also the outcome of a migration process, due to the lack of adequate migration and successful integration policies at the national level.

Globalization has brought about many important innovations, but it has also increased inequalities.² Globalization has brought with it, on one hand, the delocalization of production or work, and on the other hand, the migration of workers to those places where jobs can be found. In both cases work is cheaper and the profits of businesses can be maximized, often at the expense of human life and human rights. The Bangladesh factory fire which killed a thousand workers a couple of months ago is just one example of this – and has become the last symbol for the failure to provide workers with decent work conditions along the global supply chain.

I am convinced that the debate on human trafficking, and in particular the question how to put in place effective measures to prevent and fight THB needs to be placed in the context of these fundamental questions about globalization and migration, taking into account that migration is, and will remain, an essential component of a globalized economy.³

The link between human trafficking and migration, however, is not, as it is often mistakenly argued, migration as such. It is the social and legal conditions governing migration and labour markets in our countries that create vulnerabilities and make some migrants, in particular undocumented migrants, easily exploitable and this often with impunity.

Migrants face restrictions regarding access to legal migration channels and to residence status. They often also bear unjustified restrictions regarding access to the labour market in regular conditions, to healthcare and even to education for children. These last restrictions are at the same time inequalities with respect to nationals, and create a sort of second class persons. What is not yet fully understood, is that these kind of migration policies make migrants socially vulnerable and expose them to exploitation and trafficking. In this context, what happens in practice, is that vulnerable migrant workers are used and abused as cheap manpower, not paid at all, or paid the minimum that is needed for their mere survival.

² Stiglitz, Joseph, E, *The Price of Inequality, How Today's Divided Society Endangers our Future* (Norton: 2012).

³ Goldin/Cameron/Balarajn, *Exceptional People: How Migration Shaped Our World and Will Define Our Future*, (Princeton University Press: 2012).

Given a continuum of exploitation which affects the vast majority of migrant workers, we can consider trafficking as that phenomenon of severe exploitation affecting people – men, women and children – who are deprived of any protection, be it social protection in the form of unionization, the protection of a familiar social and cultural environment, and, importantly, the protection of the rule of law. In fact, laws and regulations rather increase their vulnerability, while xenophobic and discriminatory attitudes in the society are at the same time the cause and the effect of norms restricting their rights.

The price of modern-day slavery

The title of this conference “Stolen Lives, Stolen Money: the Price of Modern-Day Slavery” puts human trafficking in the context of modern-day slavery. This is not obvious and, to some extent, even controversial. You will also hear in the course of our conference arguments against this link. Of course there are fundamental differences between phenomena which are different – occurring in different times and/or in different places of the world, as is the case of the transatlantic slave trade or serfdom in Central and Eastern Europe. Furthermore, persistent stereotypes about slavery can hamper the perception of the gravity of trafficking when victimization is carried out by the use of subtle means of coercion rather than by a complete deprivation of freedom of movement.

However, the linkage between historical and contemporary forms of slavery continues to send an important message to us today. Firstly, to enslave people is a way to misappropriate the outcome of their work. Secondly, slavery is a system, in the sense that regulations and social norms are used to validate and perpetuate the exploitation. Thirdly, the reference to slavery puts human trafficking squarely in a human rights framework and puts emphasis on an absolute imperative: to free the slaves.

Today and tomorrow we will explore the social costs of this system of exploitation that pervades our societies. It is not obvious that such social costs exist. Rather, so far the advantages of this *de facto* slavery have been a hidden and concurrent driving force fostering trafficking for human beings. In fact, businesses, especially in certain sectors, have vastly taken advantage of cheap labour, and therewith dramatically decreased the costs of production.

Today, however, governments and other stakeholders including the private sector, businesses and trade unions, have started to understand that there are other sides to this pervasive exploitation, and that the outcome of such a system ultimately undermines security, stability, democratic development, the rule of law and human rights, as well as sustainable economic development in our societies. This is the reason why the vast majority of our participating States have put in place laws, action plans, mechanisms and regulations to comprehensively address human trafficking. However, the existing tools are applied rarely and not in a systemic manner with the result, which we all know too well, that only a very limited number of victims are identified and nearly none are able to access effective remedies, including compensation. The official number of identified victims is clearly not commensurate with the dimension and the quality of the problem.

What we can do?

Now, what can we do? We must learn from our experience and review policies and measures that have not worked or have indeed caused further damage, such as the criminalization of migrants without permission to enter or stay, which has only played into the hands of criminal networks and exploitative employers and made migrants even more vulnerable and less likely to escape their exploiters. Our policies and measures need to ensure that our societies and systems do not facilitate or tolerate exploitation, that those who are exploited have effective access to redress and those who exploit are punished and held accountable for the damage they have caused.

First of all what is relevant to identify a trafficking case? It is true that exploitation is not defined in any international instruments. However, indicators have been elaborated by experts and practitioners to identify a trafficking situation.⁴ I would like to reiterate that victim identification must be improved across the OSCE region. However, we are now aware, much more than in the past, that emphasis should be put not only on identification. On the contrary, given the massive dimension of trafficking, estimated by ILO as amounting to 3 million trafficked persons at any given time in the OSCE region, if we want trafficking to become visible, we are obliged to address the whole spectrum of exploitation. In this light, the criminal justice response to trafficking is essential, but it is not the only response. Access

⁴ ILO/EC DELPHI Indicators, Netherlands, Belgium

to justice including civil and labour law courts and out-of-court litigation is increasingly crucial for all exploited workers including irregular migrants.

As I mentioned at the OSCE CiO High-Level Conference on “Strengthening the OSCE Response to Trafficking in Human Beings” in Kyiv two weeks ago, we now – ten years after the adoption of the OSCE Action Plan to Combat Trafficking in Human Beings - need a second wave of commitments – specific, concrete and advanced - aimed at ensuring that the globalization process is built on respect for human rights, labour standards, accountability and justice, not only at the national level but also at the global level. Such a comprehensive and forward-looking approach aims to mainstream human rights based anti-trafficking measures into all related policy areas and is rooted in a broader vision of a fair society which respects the dignity of all persons and does not allow exploitation to flourish. The outcome of the conference in Kyiv, which will hopefully lead to an addendum to the OSCE Action Plan, is a step forward in this direction.

Tomorrow’s roundtable discussion *Towards full protection of the rights of trafficked and exploited persons*, will explore new ideas for action, based on lessons learned and good practices with a focus on key areas of anti-trafficking action: legal assistance and compensation, unconditional assistance to victims, the disconnection between this assistance and the existence of criminal or other proceedings against the exploiters, the respect for the individual needs of the victim, and her/his social inclusion as the final goal of assistance. In other words, the aim of the Conference is to explore new paths to achieve what its title suggests: trafficked persons must get their lives back, and their money back.

In conclusion, I would like to express my warmest thanks to all speakers and participants here at this conference today and tomorrow. I look forward to these two days of interesting and challenging discussions, and I am convinced they will help us to make a step forward in the right direction.

Thank you for your attention!